



City of Rockville
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Rockville, Maryland
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240-314-5000
TTY 240-314-8137

September 23, 2010

Montgomery County Public Schools
C/o Saeyin Oh
MCPS Division of Construction
2096 Gaither Road, Suite 203
Rockville, Maryland 20850

Re: Site Plan Application STP2011-00054, College Gardens Elementary School,
1700 Yale Place

Dear Mr. Oh:

At its September 15, 2010 meeting, the City of Rockville Planning Commission held a public hearing on the above referenced site plan and associated request for a waiver from the Adequate Public Facilities Ordinance (APFO) regarding fire and emergency services. Any development or redevelopment within the City must comply with all requirements of the Adequate Public Facilities Standards unless a waiver is granted pursuant to said standards. A waiver of the requirement to comply with one or more of the Adequate Public Facilities Standards may be granted only upon a super-majority vote of the approving body. In this case 5 votes are required by the Planning Commission for the waiver to be granted. The Commission's vote of 3-2 to support the waiver request failed to obtain the super-majority vote required.

Pursuant to Section 25.20.02.b, of the City of Rockville Zoning Ordinance, the subject site plan could not be approved without the waiver request; therefore no action was taken on the site plan.

Any person aggrieved by any final decision of the Commission may appeal the same to the Circuit Court for the county. Such appeal must be taken according to the Maryland Rules as set forth in Title 7, Chapter 200, as indicated in Section 25.04.02.f. of the City of Rockville's Zoning Ordinance. A request to reconsider the decision of the Commission must be filed within ten (10) days after the date upon which the original decision is issued in writing by the Commission, as indicated in the Planning Commission's Rules of Procedure (attached to this decision).

MAYOR
Phyllis Marcuccio

COUNCIL
John B. Britton
Piotr Gajewski
Bridget Donnell Newton
Mark Pierschala

CITY MANAGER
Scott Utley

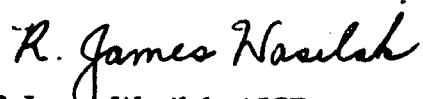
CITY CLERK
Glenda P. Evans

CITY ATTORNEY
Debra Yerg Daniel

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Mr. Sacyin Oh
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Sincerely,



R. James Wasilak, AICP
Chief of Planning

/nrw

cc: Planning Commission
Jim Wasilak, Chief of Planning
Bobby Ray, Principal Planner
Susan Swift, Director of CPDS
Aaron Smith, Fire Plan Examiner
Mark Wessel, Civil Engineer
Dan Kane, Civil Engineer
Rebecca Torma, Transportation Planner
Elise Cary, Assistant City Forester
Christine Borger
Mark Pierzchala
Mike Phillips
Nate Brown
